THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2349 of 2007

Date: 08.02.2007

Between:

B.Pydamma and others.

....Petitioners

And

Govt. of A.P. rep., by its Principal Secretary, Revenue, Secretariat, Hyderabad and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2349 of 2007

O R D E R:

Petitioners state that they are the absolute owners and possessors of agricultural land admeasuring Ac.23.25 cents in Survey No.141/1 of Vepagunta Village, Pendurthy Mandal, Visakhapatnam District. They state that they intended to sell the said land and in that process, approached the second respondent with a request to furnish the basic value of the property, to enable them to compute the stamp duty. The grievance of the petitioners is that the second respondent is not acceding to their request, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader

for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]***.***

Once the sole basis for the second respondent to refuse registration had disappeared, he cannot refuse to take steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, in case the petitioners approach him.

Hence, the Writ Petition is disposed of, directing the second respondent to furnish the necessary information and process the documents that may be presented by the petitioners; and take necessary steps, in accordance with the provisions of the Stamp Act and the Registration Act. There shall be no order as to costs.

08.02.2007

Note: Issue C.C. in three days
(B/o)
JSU

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77